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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,544	11/13/2003	Scott Carrier	RSW920030233US1 (128)	9171
46320 7590 01/25/2008 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487			EXAMINER PATEL, MANGLESH M	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 01/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/712,544

Applicant(s)

CARRIER, SCOTT

Examiner

Manglesh M. Patel

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,6,11 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,11 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This **FINAL** action is responsive to the amendment filed on 10/30/2007.
2. Claims 1, 6, 11 and 15 are pending. Claims 2-5, 7-10 and 12-14 are canceled. Claims 1, 6 and 11 are independent claims.

**Claim Rejections - 35 USC § 101**

3. 35 U.S.C. 101 reads as follows:  
  
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
4. Regarding independent claim 1, the claim describes a system but fails to include any hardware elements in the system such as a CPU. Instead the claims describe the use of a system for a client device, it is unclear since the system is merely steps that may be used by a device only if it was embodied in a computer readable medium. If the system is directed to software it should be embodied inside a computer readable medium, if for hardware it should recite a hardware element in the claims such as a processor. A validation processor is not an actual hardware element. Furthermore a system that can be used for client devices is not sufficient because the system itself is not tangibly embodied in a computer readable medium to be used by anything. Appropriate corrections are required.

Regarding Dependent claim 15, is rejected because it inherits the deficiencies of Independent claim 1.

**Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1, 6, 11 and 15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Dziejma (U.S. Pub 2005/0028084, filed Jul 27, 2004, with a valid priority date of Jul 28, 2003) in view of Sokolov (U.S. 6,823,504, filed Nov 15, 2000).

Regarding Independent claim 1, A lightweight pattern validation system for a client device receiving markup defining a form, comprising: a validation processor separate from said markup and configured with a prototype interface for receiving both a field validation pattern and also form based input to be validated against said field validation pattern; a validation script library within said client device and packaging said validation processor, wherein the form has at least one form based input field programmed for validation using said validation processor; a library reference to said script library disposed in said markup; a function call to said validation processor further disposed in said markup, said function call having a configuration for passing a reference to a value in said at least one form based input field for validation in said validation processor; a plurality of additional function calls to said validation processor disposed in said markup, each additional one of said functional calls having a configuration for passing a reference to a value in a corresponding form based input field for validation in said validation processor; and a validation shell function encapsulating said function calls.

Dziejma teaches a form field validation engine which is separate from the markup and resides on the client device. Furthermore the engine that handles the validation includes scripts defined by the FVE (form validation engine) code, which includes several scripting functions for validation of each field of a form in the markup. Furthermore all is done on the client device. Also the markup field form includes various standard including Xforms and includes script reference, which is function calls to the FVE. The markers reference such functions in the markup. The form includes an interface for collecting data. (See abstract, fig 3, fig 6, fig 8, paragraphs 5-8, 9-12, 40-41 & appendix A). Although Dziejma teaches the use of JavaScript in the FVE, he only shows function calls defined within the engine and fails to show reference to a separate library objects referenced by JavaScript. However Sokolov explicitly teaches the use of libraries which are interfaced with JavaScript, such interfacing includes a shell function that encapsulates the function calls thereby allowing access to the library of functions (see abstract & column 21). Thus at the time of the invention it would have been obvious to the skilled artisan to have modified the script definitions of Dziejma to include reference to various JavaScript libraries has taught by Sokolov. The motivation for doing so would have been to provide extensibility to the validation engine by referencing libraries of scripting objects in JavaScript without constantly accessing a server, thus improving form validation on client devices.

Regarding Independent claim 6, A pattern validation method comprising the steps of: retrieving a value for a form based input field from a form defined in markup rendered in a content browser; passing said retrieved value along with a validation pattern for said form based input field to a validation process disposed within a lightweight validation library separate from and coupled to said rendered markup; and, validating said retrieved value according to said validation pattern in said content browser; repeating said retrieving, passing and validating steps for at least one additional value for at least one additional form based input field disposed in said markup rendered in said content browser; and performing said retrieving, passing, validating and repeating steps in a validation shell function disposed in said markup rendered in said content browser.

Dziejma teaches a form field validation engine which is separate from the markup and resides on the client device. Furthermore the engine that handles the validation includes scripts defined by the FVE (form validation engine) code, which includes several scripting functions for validation of each field of a form in the markup. Furthermore all is done on the client device. Also the markup field form includes various standard including Xforms and includes script reference, which is function calls to the FVE. The markers reference such functions in the markup. The form includes an interface for collecting data. (See abstract, fig 3, fig 6, fig 8, paragraphs 5-8, 9-12, 40-41 & appendix A). Furthermore he teaches retrieving, passing and validating steps defined in the FVE shown in appendix A using conditional statements. Although Dziejma teaches the use of JavaScript in the FVE, he only shows function calls defined within the engine and fails to show reference to a separate library objects referenced by JavaScript. However Sokolov explicitly teaches the use of libraries which are interfaced with JavaScript, such interfacing includes a shell function that encapsulates the function calls thereby allowing access to the library of functions (see abstract & column 21). Thus at the time of the invention it would have been obvious to the skilled artisan to have modified the script definitions of Dziejma to include reference to various JavaScript libraries has taught by Sokolov. The motivation for doing so would have been to provide extensibility to the validation engine by referencing libraries of scripting objects in JavaScript without constantly accessing a server, thus improving form validation on client devices.

Regarding Independent claim 11, A machine readable storage having stored thereon a computer program

for pattern validation, the computer program comprising a routine set of instructions which when executed by the machine cause the machine to perform the steps of: retrieving a value for a form based input field from a form defined in markup rendered in a content browser; passing said retrieved value along with a validation pattern for said form based input field to a validation process disposed within a lightweight validation library separate from and coupled to said rendered markup; validating said retrieved value according to said validation pattern in said content browser; repeating said retrieving, passing and validating steps for at least one additional value for at least one additional form based input field disposed in said markup rendered in said content browser; and performing said retrieving, passing, validating and repeating steps in a validation shell function disposed in said markup rendered in said content browser.

Dziejma teaches a form field validation engine which is separate from the markup and resides on the client device. Furthermore the engine that handles the validation includes scripts defined by the FVE (form validation engine) code, which includes several scripting functions for validation of each field of a form in the markup. Furthermore all is done on the client device. Also the markup field form includes various standard including Xforms and includes script reference, which is function calls to the FVE. The markers reference such functions in the markup. The form includes an interface for collecting data. (See abstract, fig 3, fig 6, fig 8, paragraphs 5-8, 9-12, 40-41 & appendix A). Furthermore he teaches retrieving, passing and validating steps defined in the FVE shown in appendix A using conditional statements. Although Dziejma teaches the use of JavaScript in the FVE, he only shows function calls defined within the engine and fails to show reference to a separate library objects referenced by JavaScript. However Sokolov explicitly teaches the use of libraries which are interfaced with JavaScript (see abstract). Thus at the time of the invention it would have been obvious to the skilled artisan to have modified the script definitions of Dziejma to include reference to various JavaScript libraries has taught by Sokolov. The motivation for doing so would have been to provide extensibility to the validation engine by referencing libraries of scripting objects in JavaScript without constantly accessing a server, thus improving form validation on client devices.

Regarding Dependent claim 15, with dependency of claim 1, Dziejma wherein the client device is a pervasive device (see fig 1).

*It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]*

#### Response to Arguments

7. Applicant's response filed 10/30/2007 has been considered but are not persuasive.

Applicant Argues: Applicant respectfully submit that the Examiner's analysis is fatally flawed. (see pg 6, paragraphs 1 & 2).

The Examiner Respectfully Disagrees: The Examiner is unaware of any FATAL consequences resulting from the 35 U.S.C. 101 rejections in this or any patent application. The recited court decision and statement describing that the validation processor could require the use of a computer device does not address the 35 U.S.C. 101 rejection, because the issue is not whether the validation processor can be used by a device, the issue is that the validation system itself is not tangibly embodied in a computer readable medium and thus could not possibly be used by any device computer or otherwise.

Applicant Argues: Thus, the Examiner must establish that the '590 provisional application supports the subject matter being relied upon to make the rejection. This burden, however, has not been met. (pg 7, paragraph 3)

The Examiner Respectfully Disagrees: The cited portion from the MPEP as cited in applicants remarks states "if the provisional application(s) properly supports the subject matter relied upon...." The examiner has already made that determination. It is unclear where in the MPEP it states that the burden is on the Examiner. Infact the use of Public PAIR gives applicant access to the provisional application and any subject matter disagreed upon should be specifically pointed out by the applicant. Since the provisional is already relied upon perhaps the provisional application number itself establishes the burden, since the entire provisional application "properly supports the subject matter".

Applicant Argues: However, upon reviewing the Examiner's analysis for dependent claims 2-3, 5, 7, 9, 12 and 14, it appears that the Examiner has cut and paste the same analysis regarding independent claims 1, 6, and 11 without even addressing the limitations of the independent claims. (pg 8, paragraph 1)

The Examiner Respectfully Disagrees: The claims have already been rejected and all claims include sections of the reference pertaining to the rejection. The Examiner infact has provided a detailed and logical explanation of the teachings of both references. Furthermore it has been cited in numerous actions that the teachings of a reference are not limited to specific portions, the reference as a whole must be considered by the applicant. Furthermore applicant fails to specifically point out or show how the reference as a whole fails to teach the claim limitations.

*It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]*

*It is not necessary that the references actually suggest, expressly or in so many words the changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. In re Sheckler, 168 USPQ 716 (CCPA 1971); In re McLaughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 725 (CCPA 1968).*

Applicant Argues: Thus, the problem allegedly solved by Sokolov is already addressed by Dziejima, and based upon common sense, one having ordinary skill in the art would not look to solve a problem that is already solved. (pg 9, paragraph 1)

The Examiner Respectfully Disagrees: Based on common sense one of ordinary skill in the art would realize that the JavaScript library of Sokolov could be implemented with the JavaScript based form validation



engine of Dziejma because it provides extensibility, specifically providing additional functions needed for form validation.

Further more as to the reason to combine not being the same as applicant's.

If it is obvious to combine references for one reason it is obvious to combine references for all reasons. In re Graf, 145 USPQ 197 (CCPA 1965); In re Finsterwalder 168 USPQ 530 (USPQ 1970); In re Kronig, 539 F.2d 1300, 190 USPQ 425 (CCPA 1976). In re Dillon, 892 F.2d 1544, 13 USPQ 1337 (1989); In re Dillon 919 F.2d 688, 16 USPQ 1897 Fed. Cir. 1990) (in bane).

In response to applicant's argument, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Applicant Argues: Dziejma does not teach using a pervasive device. Instead Dziejma merely describes a server 410 and a client 420, which is not the disclosure of a pervasive device. (page 9, paragraph 2)

The Examiner Respectfully Disagrees: It is unclear as to the precise meaning of a pervasive device since applicant fails to specifically show which portion of the specification explicitly describes "pervasive device". Furthermore the server client system is pervasive in the sense that a client device accessing a server is extremely common in the art. Finally it should be noted that all rejections are based on a combination of references and both teachings should be considered in detail, since Sokolov already describes the use of PDA's and wireless devices thus also encompassing pervasive devices (see column 1, lines 50-67 of Sokolov).

**Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


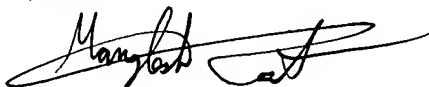
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M, W 6 am-3 pm T, TH 6 am-2pm, Fr 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel  
Patent Examiner  
January 12, 2008



CESAR PAULA  
PRIMARY EXAMINER